

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA

v.

HADASSAH MARIE SIMMONS

a/k/a Hadassah Givens

ALVIN GIVENS,

Defendants.

Case No. 7:23CR28

SEALED INDICTMENT

In violation of:

18 U.S.C. § 2

18 U.S.C. § 152(2)

18 U.S.C. § 152(3)

18 U.S.C. § 152(7)

18 U.S.C. § 157(3)

18 U.S.C. § 371

INTRODUCTION

At all times material to this Indictment:

1. The defendants, **HADASSAH SIMMONS** and **ALVIN GIVENS**, were residents of Narrows, Virginia.

2. The Campground was a private corporation located in Dublin, Virginia, that was jointly owned by ninety stockholders. The Campground issued stock certificates that entitled each stockholder to an ownership interest in one of the Campground's ninety campsites.

3. On or about August 27, 1988, Person 1 purchased a stock certificate from the Campground, which granted Person 1 an ownership interest in one of the Campground's campsites, Lot 14. The stock certificate was issued in the names of Person 1 and **SIMMONS**. A lease was entered into between Person 1 and the Campground, and **SIMMONS** was named as the beneficiary of the lease for Lot 14.

4. On or about January 19, 2021, Person 1 died, and **SIMMONS** became a joint owner of the stock certificate corresponding to Lot 14, along with Person 1's estate, the executor of which was **GIVENS**.

5. On or about May 2, 2021, **SIMMONS** requested that the Campground transfer her ownership interest in Lot 14 to **GIVENS**.

6. Lot 14 included a boat slip and access to the Campground's communal spaces, and a camper, camper cover, and porch were also located on the lot. At the time of the requested transfer, the value of Lot 14 exceeded \$50,000.

7. On or about May 2, 2021, **GIVENS**, in his personal capacity and in his capacity as executor for Person 1's estate, signed lease transfer paperwork in order to transfer **SIMMONS**'s ownership interest in Lot 14 to **GIVENS**.

8. On or about July 13, 2021, **SIMMONS** signed the lease transfer paperwork. However, the lease transfer form was required to be recorded with the Pulaski County Circuit Court before the transfer could take effect.

9. On or about July 22, 2021, **SIMMONS** filed and caused to be filed a voluntary Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the Western District of Virginia, Roanoke Division, Case No. 21-70519, which was signed under penalty of perjury.

10. On her sworn petition, **SIMMONS** falsely stated that her assets did not exceed \$50,000.

11. On or about July 22, 2021, **SIMMONS** filed and caused to be filed her Schedules and Statement of Financial Affairs, which were signed under penalty of perjury.

12. In her sworn Schedules filed on or about July 22, 2021, **SIMMONS** failed to disclose her ownership interest in Lot 14 and her efforts to transfer this interest.

13. In her sworn Statement of Financial Affairs filed on or about July 22, 2021, **SIMMONS** failed to disclose her ownership interest in Lot 14 and her efforts to transfer this interest.

14. At the meeting of the creditors on or about August 16, 2021, **SIMMONS** falsely testified under oath, among other things, that the information on her petition was true and correct and that she had listed all of her assets.

15. At the meeting of the creditors, when asked by the Chapter 7 Trustee what real estate she owned, **SIMMONS** failed to mention her interest in Lot 14.

16. On or about August 16, 2021, the Chapter 7 bankruptcy trustee concluded that **SIMMONS's** bankruptcy estate had been fully administered and that there was no property available for distribution from the estate over and above that exempted by law.

17. Around early September 2021, **SIMMONS** asked the Campground to transfer Lot 14 back to her. At this point, ownership of Lot 14 had not yet legally transferred to **GIVENS**, and **SIMMONS** retained her ownership interest.

18. On or about September 21, 2021, **GIVENS** recorded the lease transfer form with the Pulaski County Circuit Court, completing the transfer in ownership for Lot 14.

19. On or about October 18, 2021, the Bankruptcy Court entered an Order of Discharge discharging **SIMMONS** from her Chapter 7 bankruptcy.

**COUNT ONE**

(Conspiracy to Commit Bankruptcy Fraud and Fraudulent Transfer and Concealment)

**The Conspiracy and Its Objects**

The Grand Jury charges:

20. Paragraphs 1 through 19 of the Introduction to this Indictment are realleged and incorporated by reference into Count One as if fully set forth herein.

21. From on or about May 2, 2021, and continuing thereafter until on or about October 18, 2021, in the Western District of Virginia, the defendants, **HADASSAH SIMMONS** and **ALVIN GIVENS**, did knowingly and intentionally combine, conspire, confederate, and agree with each other to commit the following offenses against the United States:

- a. To devise and intend to devise a scheme and artifice to defraud and, for the purpose of executing or concealing such scheme and artifice, making a false and fraudulent representation, claim, and promise concerning and in relation to a proceeding under Title 11, United States Code, all in violation of Title 18, United States Code, § 157(3).
- b. To intend to defeat the provisions of Title 11 by knowingly and fraudulently transferring and concealing property, all in violation of 18 U.S.C. § 152(7).

**The Manner and Means of the Conspiracy**

22. It was part of the conspiracy that **SIMMONS** and **GIVENS** would and did agree to transfer ownership rights to Lot 14 from **SIMMONS** to **GIVENS**.

23. It was further part of the conspiracy that **SIMMONS** and **GIVENS** would and did conceal the purpose of the transfer and contrive false explanations for the transfer.

24. It was further part of the conspiracy that **SIMMONS** would and did conceal her ownership interest in Lot 14 from the Bankruptcy Court for the Western District of Virginia, the United States Trustee, the Chapter 7 Trustee, and her creditors in her Chapter 7 bankruptcy proceedings.

**Overt Acts of the Conspiracy**

25. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts were committed in the Western District of Virginia and elsewhere:

- a. On or about May 2, 2021, **GIVENS** (as executor for Person 1's estate) signed a lease transfer form in order to transfer ownership interest in Lot 14 from **SIMMONS** to **GIVENS**.
- b. On or about July 13, 2021, **SIMMONS** signed the lease transfer paperwork.
- c. On or about July 22, 2021, **SIMMONS** caused to be filed a false voluntary Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the Western District of Virginia, Roanoke Division, Case No. 21-70519.
- d. At the meeting of the creditors on or about August 16, 2021, **SIMMONS** falsely testified under oath that the information on her petition was true and correct and that she had listed all of her assets.
- e. Around early September 2021, **SIMMONS** requested that the Campground transfer Lot 14 back to her.
- f. On or about September 21, 2021, **GIVENS** recorded the lease transfer form with the Pulaski County Circuit Court.

26. All in violation of Title 18, United States Code, § 371.

**COUNT TWO**  
(Bankruptcy Fraud)

The Grand Jury further charges:

27. Paragraphs 1 through 19 of the Introduction to this Indictment are realleged and incorporated by reference into Count Two as if fully set forth herein.

28. Between on or about May 2, 2021, and on or about October 18, 2021, in the Western District of Virginia, the defendants, **HADASSAH SIMMONS** and **ALVIN GIVENS**, with the intent to devise a scheme and artifice to defraud the Bankruptcy Court for the Western District of Virginia, the United States Trustee, the Chapter 7 Trustee, and her creditors, **SIMMONS** and **GIVENS** fraudulently concealed and fraudulently sought to transfer **SIMMONS**'s ownership in Lot 14 in order to prevent her ownership interest in Lot 14 from becoming a part of the bankruptcy estate, and, for the purpose of executing and concealing said scheme and artifice, made a false and fraudulent representation, claim, and promise concerning and in relation to a proceeding under Title 11, United States Code, to wit: **SIMMONS** failed to disclose her ownership interest in Lot 14 and her efforts to transfer her ownership interest in Lot 14.

29. All in violation of Title 18, United States Code, §§ 157(3), 2.

**COUNT THREE**  
(Fraudulent Transfer and Concealment)

The Grand Jury further charges:

30. Paragraphs 1 through 19 of the Introduction to this Indictment are realleged and incorporated by reference into Count Three as if fully set forth herein.

31. Between on or about May 2, 2021, and on or about September 21, 2021, in the Western District of Virginia, the defendants, **HADASSAH SIMMONS** and **ALVIN GIVENS**, in contemplation of the filing of bankruptcy proceedings by **SIMMONS** and with the intent to defeat the provisions of Title 11, did knowingly and fraudulently transfer and conceal property, specifically **SIMMONS**'s ownership interest in Lot 14, by transferring and causing to be transferred her interest in Lot 14 to **GIVENS**.

32. All in violation of Title 18, United States Code, §§ 152(7), 2.

**COUNT FOUR**  
(False Bankruptcy Declaration)

The Grand Jury further charges:

33. Paragraphs 1 through 19 of the Introduction to this Indictment are realleged and incorporated by reference into Count Four as if fully set forth herein.

34. On or about July 22, 2021, in the Western District of Virginia, the defendant, **HADASSAH SIMMONS**, knowingly and fraudulently made a material false declaration, certificate, and verification under the penalty of perjury, as permitted under Section 1746 of Title 28, in and in relation to a case under Title 11, *In re: Hadassah Simmons*, Case No. 21-70519, by submitting Schedules of Assets and Liabilities and a Statement of Financial Affairs in which **SIMMONS** fraudulently failed to disclose her ownership interest in Lot 14.

35. All in violation of Title 18, United States Code, § 152(3).

**COUNT FIVE**  
(False Statement Under Oath)

The Grand Jury further charges:

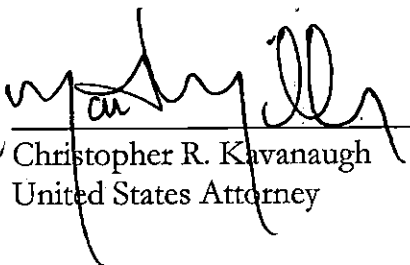
36. Paragraphs 1 through 19 of the Introduction to this Indictment are realleged and incorporated by reference into Count Five as if fully set forth herein.

37. On or about August 16, 2021, in the Western District of Virginia, the defendant, **HADASSAH SIMMONS**, knowingly and fraudulently made a false material statement under oath in and in relation to a case under Title 11, *In re: Hadassah Simmons*, Case No. 21-70519, by falsely testifying under oath in a proceeding before the case trustee at a meeting of creditors that the information on her petition was true and correct and that she had listed all of her assets, when in fact **SIMMONS** knew that her petition failed to disclose her ownership interest in Lot 14.

38. All in violation of Title 18, United States Code, § 152(2).

A TRUE BILL, this 11 day of May, 2023.

/s/ Grand Jury Foreperson  
FOREPERSON

  
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Christopher R. Kavanaugh  
United States Attorney